

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PETITION UNDER 37 C.F.R. §1.135(b) TO REVIVE AN UNINTENTIONALLY
ABANDONED APPLICATION

APPLICANTS: Ahlmen et al. CONFIRMATION NO. 5873
SERIAL NO.: 10/701,333 GROUP ART UNIT: 3743
FILED: November 4, 2003 EXAMINER: Mital B. Patel
TITLE: ANESTHESIA APPARATUS WITH REMOTE CONTROL
DURING OPERATION IN A MANUAL VENTILATION
MODE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

A Notice of Abandonment was received for the above-referenced application, stating the application was abandoned for failure to file a timely reply to the Office Action dated September 29, 2005. Applicants did, in fact, file a response to that Office Action, by Certificate of Mailing dated December 23, 2005. A copy of that response (Amendment "A") is attached hereto, indicating signing of the Certificate of Mailing by the undersigned representative of the Applicants on December 23, 2005. Also attached hereto is a copy of the return postcard that was sent with that response. This postcard, however, was never returned to Applicants' representatives.

Since receiving the Notice of Abandonment, Applicants' representatives have been diligently attempting, through investigations with the USPS, and internally within the law firm of the undersigned representative of the Applicants, to ascertain a reason for the non-receipt of Amendment at the United States Patent and Trademark Office. These investigations have not resulted in any further evidence, and therefore the present Petition is being filed.

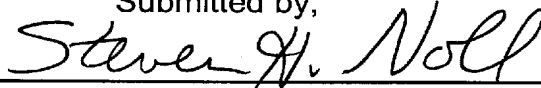
The attached Reply satisfies the requirement of submitting a reply to the outstanding Office Action, under 37 C.F.R. § 1.35(b)(1).

This Petition is accompanied by electronic payment in the amount of \$1,500.00 for the fee required by 37 C.F.R. § 1.17(m), in satisfaction of 37 C.F.R. § 1.135(b)(2).

The entire delay in filing the required reply from the due date until the filing of the present Petition was unintentional. 37 C.F.R. § 1.135(b)(3) is therefore satisfied.

Granting of the present Petition is therefore respectfully requested.

Submitted by,



(Reg. 28,982)

SCHIFF, HARDIN LLP
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicants.

MAIL STOP AMENDMENT

**HON. COMMISSIONER OF PATENTS & TRADEMARKS
WASHINGTON, D.C. 20231**

SIR:

**PLEASE APPLY A RECEIPT STAMP HERETO AND MAIL TO
ACKNOWLEDGE RECEIPT OF THE ATTACHED:**

Ahlmen et al..
APPLICANT

**Amendment "A" (4 pages) and
Coversheets**
TYPE OF DOCUMENT(S)

December 23, 2005
MAILING DATE

USSN 10/701,333, P03,0398
REFERENCE NUMBER

**December 29, 2005 SHN
30566-0047**

SCHIFF HARDIN LLP

SCHIFF, HARDIN LLP

PATENT DEPARTMENT

6600 SEARS TOWER

233 SOUTH WACKER DRIVE

CHICAGO, ILLINOIS 60606

GROUP ART UNIT: 3743

IN RE APPLICATION OF: Ahlmen et al.

SERIAL NO.: 10/701,333

EXAMINER: Mital B. Patel

FILED: November 4, 2003

CONFIRMATION NO.:

TITLE: "ANESTHESIA APPARATUS WITH REMOTE CONTROL DURING OPERATION
AMENDMENT "A"

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

SIR:

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	*8	MINUS	**9	X	() X 25.00 () X 50.00	
INDEP. CLAIMS	*1	MINUS	1	X	() X 100.00 () X 200.00	
Application amended to contain any multiple dependent claims not previously paid for.				() YES () NO	() \$180.00 () \$360.00 ONE TIME	
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT		\$0.00

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20 write "20" in this space.

☐ Applicants petition the Commissioner of Patents and Trademarks to extend this time for response to the Office Action dated ____ for ____ months so that the period for response is extended to _____. A check in the amount of \$_____ is attached to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to deposit account No. 501519. A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$_____ is attached.

☐ A check for \$_____ accompanying IDS under 37 CFR 1.97(c) is attached

☐ A check for \$_____ and Petition for Consideration of IDS under 37 CFR 1.97(d) is attached.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519. A duplicate of this sheet is enclosed.

When phoning re this application, please call (312) 258-5500.

SCHIFF, HARDIN LLP (Customer Number: 26574)

Patent Department

BY Steven H. Noll (28,982)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 23, 2005

Steven H. Noll

NAME OF APPLICANT'S ATTORNEY

Steven H. Noll

SIGNATURE

December 23, 2005

DATE